IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.361 OF 2006
IN
NOTICE OF MOTION NO.1451 OF 2006
IN
SUIT NO.1225 OF 2006

Mr.Prakash Amlani ..Appellant.
(Orig.Plff.)

Vs.

M/s.Rustom Wines & Ors. ..Respondents.
(Orig.Defts.)

Mr.R.A.Dada, Sr.Counsel with Mr.Chirag Balsara with Mr.Avinash Joshi & Mr.Dhawant Mehta i/b.M/s.Mulla & Mulla for the Appellant.

Mr.Charanjeet Chanderpal for Respondent No.2.

Mr.P.G.Lad, A.G.P. for Respondent No.4.

CORAM: DR.S.RADHAKRISHNAN AND S.J.VAZIFDAR, JJ.

DATED: 4TH MAY, 2006

P.C. :

1. Heard learned counsel for the Appellant and the Respondents.

2. By this Appeal the Appellant is challenging the order dated 20th April, 2006 whereby the learned Single Judge has declined to grant an ad-interim relief.

3. It appears that there are some disputes between

the partners, that is why, the licence has not been renewed as the same came to end on 31.3.2006. The Appellant was operating the said business under the conducting agreement and the learned counsel for the Appellant points out that at present there is a stock of liquor valued at Rs.55 lakhs, lying in the said wine shop.

4. With the consent of all the parties, the following order is passed :

i) The learned counsel for Respondent No.2 states that Respondent No.2 has no objection for Respondent No.4 returning the licence renewal fees for the period 1.4.2006 onwards for the year 2006 to 2007 amounting to Rs.3,99,500/- to the Appellant. Mr.Lad, the learned A.G.P., states that Respondent No.4 will return the amount to the Appellant within a period of three weeks from today.

ii) Mr.Lad, the learned A.G.P. also makes it clear that if the Appellant brings any purchaser for purchase of the aforesaid stock, the Collector will permit the same to be sold

and the entire sale proceeds to be handed over to the Appellant, to which, the learned counsel for Respondent No.2 has no objection. concerned

5. It appears that the conducting agreement has still not been terminated and the Appellant appears to have spent almost about Rs.75,83,000/- as indicated in Exhibit "A" at page 88. With regard to the same, the Appellant is at liberty to adopt appropriate proceedings against Respondent No.2 or any other party.

7. Appeal stands disposed of accordingly.

(DR.S.RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)